

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

United States of America

)

Cr. No. 3:05-0014-MBS

)

v.

)

)

Muttaqin Fatir Abdullah,
a/k/a Clayton Montray Pinckney,
a/k/a "King,"

)

)

)

)

Defendant.

)

)

OPINION AND ORDER

This matter is before the court on Defendant Muttaqin Fatir Abdullah's motion to correct sentence under 28 U.S.C. § 2255, which motion was filed on May 5, 2016. Defendant argues that in light of the Supreme Court's holdings in Johnson v. United States, 135 S. Ct. 2551 (2015), and Welch v. United States, 163 S. Ct. 1257 (2016), he no longer qualifies as an armed career offender and his sentence should be vacated. On June 6, 2016, the government filed a response agreeing that Defendant's motion should be granted and he should be resentenced without the armed career criminal enhancement.

The court **grants** Defendant's motion for relief under 28 U.S.C. § 2255. ECF No. 204. The judgment order in the within action entered September 13, 2006, is **vacated**, and this matter is set for resentencing on Monday, June 27, 2015. A notice of hearing will be issued separately.

IT IS SO ORDERED.

/s/ Margaret B. Seymour

Senior United States District Judge

Columbia, South Carolina

June 8, 2016